



STATE OF CONNECTICUT

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**Testimony of Michelle Cruz, Esq., State Victim Advocate
Submitted to the Judiciary Committee
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Good morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 1054, An Act Concerning the Disclosure of Autopsy Reports

In 2008, the Office of the Victim Advocate (OVA) formed a focus group to discuss the competing interests of the public's right to know and a crime victim's right to privacy. In the course of many criminal investigations, a law enforcement agency will often collect information during the investigative process, some of which may later be determined to have no bearing on the criminal investigation itself. However, as a result, this information, often financial records, or other personal information about the victim, then becomes exposed for release to the public. Unfortunately, the OVA's legislative initiative to implement a process to challenge the release of certain information, through the Freedom of Information, about a crime victim has not been successful to date.

Raised Senate Bill No. 1054 would allow the parents of a child who was the victim of a homicide to request that the autopsy report not be publicly disclosed. The OVA strongly supports the concept that the parents of a child who is murdered should have the ability to object to the disclosure of such highly personal information about the death of their child, such as the autopsy report, as long as there are no legitimate reasons for the disclosure to the public. Sadly, there are cases where a relative of a child has been implicated in the death of a child. In those cases, the parent of the deceased child should not have the ability to hide the circumstances of the child's death for their own benefit if and only if there is a legitimate reason for release of the information to the public.

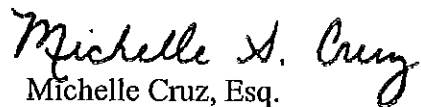
Therefore, the OVA recommends that the proposal be amended to establish a process that places the burden on the requestor of the information. The requestor must articulate a legitimate reason for the disclosure of the requested information based upon a specific and well defined allegation that the disclosure of the sought after information would be in the interest of the public. Then, only if the first threshold is met, the Freedom of Information Hearing Officer would be permitted to review the report, in camera, to determine whether disclosure would in fact be warranted for the purpose of a legitimate public interest. If the Hearing Officer determines that disclosure is warranted, the surviving family members of the deceased child would be permitted to be heard for the record prior to the final decision and release of such information.

As we are all well aware, the gruesome details surrounding a horrific tragedy are often widely reported by the television and print media. We are a curious society by nature. We challenge authority and demand answers. The Freedom of Information process was created to hold our governmental agencies in check and to prevent corruption to continue protected behind closed doors. The need for a process to ensure that public agencies and officials are held accountable and transparent in their actions remains today. However, freedom of information requests have grown over the years and have inadvertently stumbled upon information, the release of which would harm innocent crime victims. Therefore, mechanisms such as the purpose of the legislation here today are becoming necessary to protect unnecessary harm and prevent disclosure of documents or other materials that only serve to exploit the suffering of crime victims.

I ask you to take a moment, and imagine the unthinkable, placing yourself in the shoes of a surviving family member of a murdered child. The impact of the unspeakable crime itself, the invasion of your private and painful suffering by the police, media and the judicial system and the long road of grieving is already too much for victims to manage. I strongly urge the Committee's support of Senate Bill No. 1054 with the proposed recommended changes.

Thank you for consideration of my testimony.

Respectfully submitted,


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State Victim Advocate